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11 FACEBOOK, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 STUDIVZ LTD., HOTLZBRINCK
20 NETWORKS GmbH, HOLTZBRINCK
VENTURES GmbH, DENNIS BEMMANN,
21 MICHAEL BREHM, and DOES 1-25,

22 Defendant.
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Case No. 5:08-cv-03468 JF

Assigned To: Hon. Jeremy Fogel

**STIPULATION AND [PROPOSED]
ORDER CONTINUING
DEFENDANTS' MOTION TO
DISMISS FOR *FORUM NON
CONVENIENS* TO MAY 1, 2009**

Date: April 17, 2009
Time: 9:00 a.m.
Room: Courtroom 3, 5th Floor
Judge: Hon. Judge Jeremy Fogel

Complaint Filed: July 18, 2008

1 This stipulation is entered into by and by and between Facebook, Inc. and Defendants
2 StudiVZ Ltd., Holtzbrinck Networks GmbH and Holtzbrinck Ventures GmbH, (“Defendants”)
3 through their respective counsel as follows:

4 WHEREAS, on March 30, 2009 this Court issued an Order continuing the hearing on the
5 *forum non conveniens* portion of Defendants’ motions to dismiss from April 10, 2009 to April 17,
6 2009.

7 WHEREAS, the attorneys primarily handling the motion for Facebook, Thomas Gray and
8 Julio Avalos, both have pre-paid vacation plans that make them unavailable on April 17, 2009;

9 NOW THEREFORE, subject to the approval of the Court, it is hereby stipulated and
10 agreed that the hearing date for the *forum non conveniens* portion of Defendants’ motions to
11 dismiss and the parties’ further case management conference, shall be continued to May 1, 2009
12 at 9:00a.m. The parties further agree that the briefing schedule set forth in the Court’s March 30,
13 2009 Order will remain unchanged. It is further agreed that the parties will neither file nor serve
14 any additional motions, discovery, requests or papers – except for the supplemental briefing
15 referred to in this Court’s March 30, 2009 Order – prior to the conclusion of the hearing on May
16 1, 2009. Facebook also agrees that the hearing of *forum non conveniens* on May 1, 2009 will be
17 deemed to apply to Facebook’s recently filed amended complaint as to these Defendants and that
18 it will not advance an argument that the pending motions to dismiss filed by the Defendants are
19 rendered moot by the amended complaint. The parties further agree that Defendants shall have
20 until 10 days after the Court issues an Order on the *forum non conveniens* portion of the pending
21 motions to dismiss to respond to Facebook's amended complaint filed on March 31, 2009.
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1 Dated: April 3, 2009

ORRICK, HERRINGTON & SUTCLIFFE LLP

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3 /s/ Thomas J. Gray

4 THOMAS J. GRAY
Attorneys for Plaintiff
5 FACEBOOK, INC.

6 Dated: April 3, 2009

GREENBERG GLUSKER FIELDS CLAMAN &
7 MACHTINGER LLP

8
9 /s/ Stephen S. Smith

10 STEPHEN S. SMITH
Attorneys for Defendants
11 STUDIVZ LTD., HOLTZBRINCK NETWORKS
GMBH AND HOLTZBRINCK VENTURES
12 GMBH

13
14 **ORDER**

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16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17
18 DATED: April __, 2009

19 _____
Hon. Jeremy Fogel
20 UNITED STATES DISTRICT COURT JUDGE